

Rec'd OCT/PTO 03 MAY 2006

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23304

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that: My residence, post-office address, and citizenship are as stated below next to my name,  
I believe that I am an original joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**AGENT HAVING A DESTRUCTIVE EFFECT ON MALIGNANT TUMORS AND METHOD OF MAKING SAME**

the specification of which was filed on 26 May 2005 as application 10/536,777.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 USC 119 of any foreign applications for patent or inventor's certificate listed below and have also identified below any foreign applications for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Applications**

Country	Number	Filing Date	Priority claimed
AT	A1778/2002	27 November 2002	Yes

I hereby claim the benefit under 35 USC 120 of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Filing Date	Status
PCT/EP2003/050712	13 October 2003	Pending

I hereby appoint as attorneys to prosecute this application and to transact all business connected therewith:

Herbert Dubno, Reg. 19,752; Jonathan Myers, Reg. 26,963; Andrew Wilford, Reg. 26,597 and each of them individually.

Address all correspondence to:

The Firm of Karl F. Ross, P.C.  
Customer Number 535  
5676 Riverdale Avenue, Box 900  
Bronx, New York 10471-0900  
(718) 884-6600

Direct all telephone calls to:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

**BEST AVAILABLE COPY**

23304

Ser. No. 10/536,777

imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Inventor: Karl GROKE (deceased)  
By Heiress: Dr. Ilse GROKE

Signature Dr. Ilse Groke Date: 16.4.2006  
Residence: Eggersdorf bei Graz, Austria ATX Citizen of Austria  
Post-office Address: Tragbergstr. 47, A-8063 Eggersdorf bei Graz, Austria

By Heiress: Veronika GROKE

Signature Veronika Groke Date: 04/04/06  
Residence: St. Andrews, Scotland GBC Citizen of Austria  
Post-office Address: 69 Gannochy House, North Street, KY 169AZ St. Andrews, Scotland

By Heir: Paul GROKE

Signature Paul Groke Date: 07.04.2006  
Residence: Eggersdorf bei Graz, Germany DEX Citizen of Germany  
Post-office Address: Tragbergstrasse 47, D-8063 Eggersdorf bei Graz, Germany

Full name of second inventor: Ralf HERWIG

Inventor's signature Ralf Herwig Date: 20.4.06  
Residence: Westendorf, Austria ATX Citizen of Austria  
Post-office Address: Bichling 206, A-6363 Westendorf, Austria

Full name of third inventor: Peter FERDINAND

Inventor's signature Peter Ferdinand Date: 20/8/06  
Residence: Graz, Austria ATX Citizen of Austria  
Post-office Address: Hans-Fritz-Weg 26, A-8043 Graz, Austria

State of New York       )  
                              )  
County of the Bronx     )       ss:

## TRANSLATOR'S AFFIDAVIT

I, Ruth Goldstein, a citizen of the United States of America, residing in Ft. Lee, New Jersey, depose and state that:

I am familiar with the English and German languages;

I have read a copy of the German-language document attached hereto, namely Inheritance Certificate issued on 11.01.2006 in 8 A 311/05 t; and

The hereto-attached English-language text is an accurate translation of the above-identified German-language document.

  
Ruth Goldstein

Sworn to and subscribed before me  
6 March 2006

  
Notary Public

LINDA BERRIOS  
Notary Public State of New York  
No. 01BE5016825  
Qualified in Bronx County  
Commission expires August 23, 2009

OFFICIAL CERTIFICATE  
as proof for power to represent

Regarding the estate of

Dr. phil. Karl Otto Kurt Groke  
Born 30.04.1933

deceased on 23.09.2005, late of 8063 Eggersdorf bei Graz, Tragbergstrasse 47,

1. The inheriting widow Mrs. Dr. Ilse Groke, born 28.10.1941, 8023 Eggersdorf bei Graz, Tragbergstrasse 47, the inheriting daughter, Ms Veronika Groke, born 22.03.1976, same residence, respectively 69 Gannochy House, North Street, St. Andrews , KY 169AZ, Scotland and the inheriting son, Mr. Paul Groke, born 08.07.1977, 8063 Eggersdorf bei Graz, Tragbergstrasse 47, have each made their declaration of inheritance acceptance on 27 November 2005, as required by Law.
2. Based on their request, according to Section 172 AussStr-G, it is hereby confirmed that the inheriting widow, Mrs. Dr. Ilse Groke, the inheriting daughter, Ms. Veronika Groke and the inheriting son, Mr. Paul Groke, addresses as above, are authorized to represent the estate in the sense of Section 810 ABGB.
3. Graz, on 11.01.2006

Official Stamp, Signature: Dr. Karl Homma,  
Official Notary  
8020 Graz, Sudtirolerplatz 7  
Tel.: 0316/713281, Fax: 713044

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(Dr. B/W – V 169/2005)

### AMTSBESTÄTIGUNG

zum Nachweis der Vertretungsbefugnis

Im Verlasse nach dem am 23.09.2005 verstorbenen, in 8063 Eggersdorf bei Graz, Tragbergstraße 47, wohnhaft gewesenen Herrn

**Dr. phil. Karl Otto Kurt Groke,**  
**geb. 30.04.1933.**

1. Die erbl. Witwe, Frau Dr. Ilse Groke, geb. 28.10.1941, 8063 Eggersdorf bei Graz, Tragbergstraße 47, die erbl. Tochter, Frau Veronika Groke, geb. 22.03.1976, ebendort wohnhaft bzw. 69 Gannochy House, North Street, St. Andrews, KY 169AZ, Schottland, und der erbl. Sohn, Herr Paul Groke, geb. 08.07.1977, 8063 Eggersdorf bei Graz, Tragbergstraße 47, haben jeweils am 27. November 2005 aus dem Berufsgrunde des Gesetzes die unbedingten Erbantrittserklärungen abgegeben.
2. Über deren Verlangen wird gemäß § 172 AußStrG bestätigt, dass die erbl. Witwe, Frau Dr. Ilse Groke, die erbl. Tochter, Frau Veronika Groke, und der erbl. Sohn, Herr Paul Groke, Anschriften wie oben, berechtigt sind, die Verlassenschaft im Sinne des § 810 ABGB zu vertreten.

Graz, am 11.01.2006



**DR. KARL HOMMA**

öffentlicher Notar

8020 GRAZ

Südtirolerplatz 7

Tel.: 0316/713281, Fax: 713044

State of New York       )  
                              )  
County of the Bronx     )       ss:

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I, Ruth Goldstein, a citizen of the United States of America, residing in Ft. Lee, New Jersey, depose and state that:

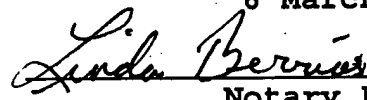
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Graz, am 11.01.2006

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